

MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator
Randi Gallivan, Town Clerk

DATE: June 6, 2019

RE: Code Enforcement Standard Operating Procedure (SOP)

BACKGROUND:

Code section 7-1-90 of the Foxfield Municipal code regarding the notice of abatements states the following: “the reasonable time for abatement shall not exceed seven (7) days unless it appears from the facts and circumstances that compliance could not reasonably be made within (7) days or that a good faith attempt at compliance is being made”.

Code section 7-1-90 (3)(a)(b) states that “if the owner or occupant shall fail to comply with the requirements for a period longer than that named in the notice, either: a. The authorized inspector may proceed to have the nuisance described in the notice removed or abated from the property described in the notice without delay. The authorized inspector shall have the authority to call for any necessary assistance; or b. If the Town elects not to summarily abate the nuisance, it may bring an action in the Municipal Court to have the nuisance declared as such by the court and for an order enjoining the nuisance and authorizing its restraint, removal, termination or abatement.”

The current SOP being followed by Code Enforcement is as follows:

Notice SOP		
Notice Type	Days	Service
Courtesy Notice	14	DH or regular mail
2nd Notice	10	Regular mail
Final Notice	5	Certified and regular mail
Summons	Set by Court Clerk	Personal Service or Certified Mail

*Repeat violators get SAC depending on circumstance

DISCUSSION:

It is my understanding that the current SOP being followed was the direction given by the Board to previous Code Enforcement officers years ago and has been passed on to each new officer. The goal of the Board has been compliance, not punishment and as long as the resident or owner is working on correcting the problem, extensions have been granted. Repeat violators are not given three notices before a summons is issued. If a summons is issued and the violation is resolved prior to the court date (which is what occurs in most cases), the case is dismissed and the Town incurs court costs.

Does the Board want to direct the Code Enforcement officer to continue with the current SOP or would they like to modify the current SOP regarding the issuing of notices?